



Agenda Date: 12/17/08

Agenda Item: VIIB

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**[www.nj.gov/bpu/](http://www.nj.gov/bpu/)**

**CUSTOMER ASSISTANCE**

COZY FORMAL WEAR,  
Petitioner,

ORDER ADOPTING INITIAL DECISION  
SETTLEMENT

v.

NEW JERSEY AMERICAN WATER COMPANY,  
Respondent.

BPU DOCKET NO. WC08070489U  
OAL DOCKET NO. PUC 09911-08

(SERVICE LIST ATTACHED)

**BY THE BOARD:**

On July 11, 2008, Cozy Formal Wear ("Petitioner") filed a petition with the Board requesting a formal hearing related to alleged improper billing by New Jersey American Water Company ("Respondent").

After the filing of Respondent's answer, the Board transmitted this matter to the Office of Administrative Law ("OAL") for hearing and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. This matter was assigned to Administrative Law Judge ("ALJ") Gail M. Cookson.

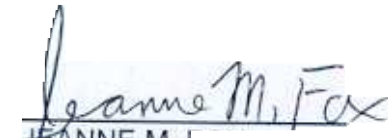
While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Settlement Agreement and Release ("Agreement") that was submitted to ALJ Cookson. By Initial Decision issued on November 17, 2008, and submitted to the Board on November 25, 2008, to which the Agreement was attached and made a part thereof, ALJ Cookson found that the Agreement was voluntary, that its terms fully disposed of all issues in controversy, and that it satisfied the requirements of N.J.A.C. 1:1-19.1. Pursuant to the terms of the Agreement, the Petitioner shall pay the Respondent \$300.00 within thirty days of the Agreement and Petitioner will further dismiss its petition with prejudice. If payment is not made in a timely manner, the Respondent may proceed with its collection process for \$2,455.98, the total amount in controversy. In addition, Petitioner releases any and all claims it may have against the Respondent with respect to past bills and, upon timely payment by the Petitioner,


Respondent will release any and all claims for unpaid amounts with regards to past bills on Petitioner's account.

After review and consideration of the Initial Decision and the Agreement of the parties, the Board HEREBY FINDS that, by the terms of the agreement, the parties have resolved all outstanding contested issues in this matter. Accordingly, the Board HEREBY ADOPTS the Initial Decision and agreement of the parties in their entirety as if fully set forth herein.

DATED: 12/18/08


BOARD OF PUBLIC UTILITIES  
BY:

  
JEANNE M. FOX  
PRESIDENT

  
FREDERICK F. BUTLER  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

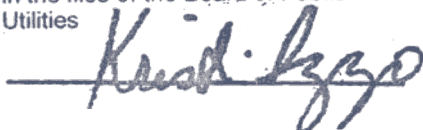
  
NICHOLAS ASSELTA  
COMMISSIONER

  
ELIZABETH RANDALL  
COMMISSIONER

ATTEST:

  
KRISTI IZZO  
SECRETARY

I HEREBY CERTIFY that the within  
document is a true copy of the original  
in the files of the Board of Public  
Utilities



COZY FORMAL WEAR  
v.  
NEW JERSEY AMERICAN WATER COMPANY

BPU DOCKET NO. WC08070489U  
OAL DOCKET NO. PUC 09911-08

SERVICE LIST

Edward C. Fabiano, Esq.  
Wasserstrum and Fabiano, P.C.  
Three Botany Village Square West  
Clifton, New Jersey 07011

Daniel J. Bitonti, Esq.  
Cozen O'Connor  
457 Haddonfield Road - Suite 300  
Cherry Hill, New Jersey 08002-2220

Eric Hartsfield, Director  
Julie Ford-Williams  
Division of Customer Assistance  
Board of Public Utilities  
Two Gateway Center  
Newark, New Jersey 07102

Kerri Kirschbaum, DAG  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07102

CNS  
BECLO  
DPA  
KIRSCHBAUM  
FORD WILLIAMS



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

**SETTLEMENT**

OAL DKT. NO. PUC 09911-08

AGENCY DKT. NO. WC08070489U

**COZY FORMAL WEAR,**

Petitioner,

v.

**NEW JERSEY-AMERICAN WATER COMPANY,**

Respondent.

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**Edward Fabiano, Esq.,** for petitioner Cozy Formal Wear (Wasserstrum & Fabiano, attorneys)

**Daniel J. Bitonti, Esq.,** for respondent New Jersey American Water Company (Cozen O'Connor, attorneys)

Record Closed: November 17, 2008

Decided: November 17, 2008

**BEFORE GAIL M. COOKSON, ALJ:**

On August 29, 2008, this matter was transmitted to the Office of Administrative Law (OAL) for hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to-15 and N.J.S.A. 52:14F-1 to- 13. On October 17, 2008, I convened an in-person settlement conference at which time significant progress toward an amicable resolution was reached. The parties subsequently submitted a fully executed settlement document which is attached hereto and made part hereof. I have reviewed the record and terms of the Settlement Agreement and Release and **FIND:**

1. The parties have voluntarily agreed to the settlement as evidenced by the signatures of the parties or their representatives.
2. The settlement fully disposes of all issues in controversy and is consistent with law.

I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and therefore, it is **ORDERED** that the matter be deemed dismissed with prejudice and that these proceedings be and are hereby concluded.

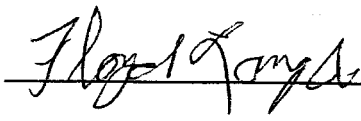
hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the **BOARD OF PUBLIC UTILITIES**, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

November 17, 2008  
DATE

  
GAIL M. COOKSON, ALJ

Date Received at Agency: 11-25-08

  
Mailed to Parties:

DATE  
pb

OFFICE OF ADMINISTRATIVE LAW

STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES

COZY FORMAL WEAR,

BPU Docket No. WC08070489U  
OAL Docket No. PUCCC09911-2008N

Petitioner,

vs.

**SETTLEMENT AGREEMENT  
AND RELEASE**

NEW JERSEY-AMERICAN WATER  
COMPANY, INC.

Respondent.

WHEREAS, Cozy Formal Wear ("Petitioner"), has filed a Petition with the Board of Public Utilities wherein it disputed bills from New Jersey-American Water Company, Inc. and its predecessor ("NJAWC" or "Company"), for water usage at the property located at 1001 Stuyvesant Avenue, Union, New Jersey (the "Property"); and

WHEREAS, the Company answered Petitioner's Complaint and requested the Board of Public Utilities require Petitioner to pay the full amount in dispute; and

WHEREAS, the Board of Public Utilities assigned Docket No. WC08070489U to this matter and transferred it to the Office of Administrative Law, which assigned it Docket No. PUCCC09911-2008N; and

WHEREAS, the Petitioner and Company wish to resolve this matter without the necessity for further litigation;

**IT IS THEREFORE AGREED AS FOLLOWS:**

1. Petitioner will pay the Company Three Hundred Dollars (\$300.00) within thirty (30) days of entry of this Settlement Agreement.
2. Petitioner will dismiss its Petition with prejudice.

3. If Petitioner fails to pay the agreed amount in satisfaction of its previous bills for the Property within thirty (30) days specified above, the Company reserves the right to proceed with collection process for the total amount in controversy, \$2,455.98.


4. Petitioner releases any and all claims it may have with respect to past bills against the Company.

5. Upon payment of the amount specified in this Settlement Agreement within the specified time period of thirty (30) days, the Company will release any and all claims for unpaid amounts with respect to the bills from the Property.

This Settlement Agreement may be subject to the Board of Public Utilities' approval.

Attorney for Petitioner:

WASSERSTRUM & FABIANO

By:   
Edward Fabiano

Dated: 11/15/08

Attorney for Respondent:

COZEN O'CONNOR

By:   
Daniel J. Bitonti

Dated: 11/11/08

COPY



COPY

State of New Jersey  
OFFICE OF ADMINISTRATIVE LAW  
33 Washington Street  
Newark, New Jersey 07102  
(973) 648-6008  
(973-648-6058)

Robert J. Giordano, ALJ &  
Manager of Organizational Development

RECEIVED  
CASE MANAGEMENT  
2008 NOV 25 PM 2:44  
BOARD OF PUBLIC UTILITIES  
NEWARK, N.J.

NORTH

Date NOV 19 2008

RECEIVED  
MAIL ROOM  
08 NOV 24 PM 3:40  
BOARD OF PUBLIC UTILITIES  
NEWARK, N.J.

Re: Initial Decisions for Receipt

We are hereby forwarding to you the following decisions from the office of Administrative Law. **Receipt is acknowledged as of the next business day of the date indicated below.** Should a listed decision not be included in this batch, please call 973-648-6008.

OAL Docket No. PUC

Case Name

319-08

N.J. AMERICAN  
WATER CO., INC.

9911-08

Cozy Formah Wear

Board of Public Utilities  
Two Gateway Center  
Newark, New Jersey 07102

Date:

11-25-08

Flores  
Board of Public Utilities